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November 13, 2019

The Honorable Katherine Polk Failla, U.S.D.J.
United State District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007
Failla_NYSDChambers@nysd.uscourts.gov

MEMO ENDORSED

*Re: Robert Onieal v. Christopher Onieal
Civil Action No.: 1:19-CV-07789 (KPF)*

Dear Judge Polk Failla:

This office represents the plaintiff Robert Onieal in the above referenced matter. This letter is written to request an adjournment of the Initial Pretrial Conference scheduled for November 22, 2019 at 4:00 p.m.

Defendant Christopher Onieal was served with the Summons and Complaint on or about November 8, 2019. Attached hereto as Exhibit "A" is a copy of the e-filed Affidavit of Service. Defendant Christopher Onieal has not yet appeared or answered and his time to do so has not yet expired. Thus, Plaintiff respectfully requests an adjournment of the Initial Pretrial Conference to a date convenient to the Court in January 2020. This is Plaintiff's first request for an adjournment of the Initial Pretrial Conference.

Given the forgoing, Plaintiff respectfully request that the Court grant the instant application for an adjournment of the Initial Pretrial Conference.

Very truly yours,



Gil Santamarina

Cc: Christopher Onieal
174 Grand Street, Apt 2A
New York, New York 10013

ROBERT ONIEAL

- against -

Plaintiff(s)

Index # 1:19-CV-07789

CHRISTOPHER ONIEAL

Defendant(s)

Purchased August 22, 2019

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

ANDRE MEISEL BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on November 8, 2019 at 10:25 AM at

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174 GRAND STREET
NEW YORK, NY 10013

deponent served the within SUMMONS AND COMPLAINT, INDIVIDUAL RULES OF PRACTICE FOR JUDGE FAILLA on CHRISTOPHER ONIEAL therein named,

SUITABLE AGE by delivering thereat a true copy of each to JUAN "SMITH" a person of suitable age and discretion. Said premises is Defendant's actual place of business within the state. He identified himself as the CO-WORKER of the Defendant.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
MALE	BROWN	BLACK	40	6'	200

MAILING Deponent enclosed a copy of same in a postpaid wrapper properly addressed to the Defendant at the Defendant's actual place of business at

C/O ONIEALS RESTAURANT
174 GRAND STREET
NEW YORK, NY 10013

and deposited said wrapper in a post office or official depository under exclusive care and custody of the United States Postal Service within New York State on November 12, 2019 by REGULAR FIRST CLASS MAIL in an envelope marked PERSONAL & CONFIDENTIAL and not indicating on the outside thereof, by return address or otherwise, that the communication is from an attorney or concerns an action against the person to be served.

MILITARY SERVICE Person spoken to was asked whether the Defendant was in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the Defendant is not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

PERSON SPOKEN TO REFUSED TO STATE TRUE LAST NAME.

Sworn to me on: November 12, 2019

JOSEPH KNIGHT
Notary Public, State of New York
No. 01KN6178241
Qualified In New York County
Commission Expires November 26, 2023

RALPH J MULLEN
Notary Public, State of New York
No. 01MU6238632
Qualified in Queens County
Commission Expires April 11, 2023

VINETTA BREWER
Notary Public, State of New York
No. 4949206
Qualified in Bronx County
Commission Expires April 3, 2023

ANDRE MEISEL
License #: 1372356
Invoice #: 733584



Application GRANTED. The initial pretrial conference originally scheduled for November 22, 2019, is hereby ADJOURNED to January 22, 2020, at 4:30 p.m.

Dated: November 14, 2019 SO ORDERED.
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE